

DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

FRANK C. POLLARA GROUP, L.L.C.,

Plaintiff,

v.

**SOUTHGATE CROSSING INVESTMENTS,
L.L.C.,**

Defendant.

1:09-cv-60

**TO: K. Glenda Cameron, Esq.
Andrew C. Simpson, Esq.**

ORDER

THIS MATTER came before the Court upon Defendant's Motion to Dismiss For Failure to Prosecute (Docket No. 25). Plaintiff filed a response thereto.¹ The motion was discussed with the Court at the status conference held on May 27, 2010, wherein the parties stipulated to the undersigned ruling upon said motion.

The record reveals that Plaintiff has retained counsel who has filed a notice of appearance on Plaintiff's behalf. Although the notice was filed three days after the

1. Plaintiff's response was incorrectly designated as a *motion* when filed in the ECF system. The Court will terminate this document when entering this order.

deadline, the Court finds that the delay was minimal and had no prejudicial effect upon Defendant.

Accordingly, it is now hereby **ORDERED** that Defendant's Motion to Dismiss For Failure to Prosecute (Docket No. 25) is **DENIED**.

ENTER:

Dated: May 27, 2010

/s/ George W. Cannon, Jr.
GEORGE W. CANNON, JR.
U.S. MAGISTRATE JUDGE